



# Social Security and Housing Benefits Act 1982

## 1982 CHAPTER 24

### PART III

#### MISCELLANEOUS

#### 43 War pensions

- (1) In section 6 of the Pensions Appeal Tribunals Act 1943 (setting aside of Tribunal's decision and rehearing of appeal), after the words " Minister's decision " in subsection (2A) there are inserted the words " (the ' original decision' ) " and after subsection (2B) there are inserted the following subsections—

“(2C) Where a direction for a rehearing is given under subsection (2A) above, the Minister may, before the expiry of the period of two months beginning with the date of the direction, review the original decision.

(2D) If, on any such review, the Minister is of the opinion that there are grounds for revising the original decision he shall—

- (a) notify the appellant of his opinion and of the revision which he proposes to make ; and
  - (b) if the appellant withdraws his appeal against the original decision, revise it accordingly.”.
- (2) In any case where, before the commencement of this section, an award has been made in respect of a claim for a war pension, the validity of that award shall not be called into question on the ground that it was made—
- (a) in consequence of the review of a decision made in respect of the claim (whether or not following an appeal against that decision); and
  - (b) at a time when there was no provision in force authorising that review.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The Secretary of State may by order make provision for determining the date from which any award made before the commencement of this section in respect of a claim for a war pension is to be taken to have had effect in a case where—
- (a) at the time when the award was made there was no provision in force for determining that date ; or
  - (b) the award was made following—
    - (i) an appeal to the High Court, Court of Session or Court of Appeal; or
    - (ii) the rehearing of any appeal;and the date from which payment under the award was first made was later than the date from which payment was, by virtue of any provision in force at the time when the award was made, required to be first made.
- (4) An order under subsection (3) above may provide that in any case where the date from which an award is, by virtue of the order, to be taken to have had effect is earlier than the date from which payment under the award was first made, any arrears due to a person in respect of the award shall be limited to those payable in respect of a specified period of not more than six years.
- (5) In this section " war pension " means—
- (a) such pensions and other benefits as are referred to in section 12 of the Social Security (Miscellaneous Provisions) Act 1977 (exercise by Order in Council of existing powers relating to benefits for death or disablement through service in the armed forces);
  - (b) any pension or benefit awarded under the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 or the Polish Resettlement Act 1947 ; and
  - (c) such other pensions and benefits as may be specified in an order made by the Secretary of State for the purposes of this section.