



War Pensions (Administrative Provisions) Act 1919

1919 CHAPTER 53

1 Administration of pensions, &c. under Injuries in War (Compensation) Acts

- (1) Where a scheme framed under the Injuries in War (Compensation) Act, 1914, as amended by the Injuries in War (Compensation) Act, 1914 (Session 2), is to be administered by the Minister of Pensions—
 - (a) the provisions of the War Pensions Acts, 1915 to 1918, and any amendments thereof, except provisions relating to separation allowances, shall apply to and in respect of the officers and men specified in such scheme as they apply to and in respect of officers and men in the naval service of His Majesty ; and
 - (b) Notwithstanding anything to the contrary in the said Injuries in War (Compensation) Acts, such scheme may be so framed as to provide that pensions, grants and other allowances in the nature thereof may be granted in the like circumstances and on the like terms and conditions as are set forth in the regulations annexed to any Order in Council relating to pensions under section three of the Naval and Marine Pay and Pensions Act, 1865, and administered by the Minister of Pensions.
- (2) This section shall be deemed to have had effect as from the first day of May nineteen hundred and eighteen.

2 Information from employers

The power of the Minister of Pensions under section fourteen of the War Pensions (Administrative Provisions) Act, 1918, to require information from employers and others for the purpose of ascertaining the pre-war earnings of a disabled person, shall be extended so as to include power to require information for the purpose of ascertaining the earning capacity of any such person and for ascertaining the pre-war earnings of a deceased person, and it shall be the duty of employers, and of any other person having knowledge thereof, to furnish any such information, and that section shall have effect accordingly.

3 Extension of power to pay pensions in advance

- (1) Notwithstanding anything in any Act, Order in Council, Royal Warrant, or other order to the contrary, any pension administered by or under the authority of the Minister of Pensions, the Army Council, or the Air Council may, in special circumstances, be issued in advance for such period not exceeding six months, and subject to such conditions as may be prescribed by rules made by the Minister of Pensions, the Army Council, or the Air Council, as the case may be, with the approval of the Treasury.
- (2) Nothing in this section shall affect any other right of issuing pensions in advance.

4 Further provision as to audit of accounts of committees

Regulations made by the Minister under paragraph (f) of subsection (1) of section five of the War Pensions (Administrative Provisions) Act, 1918, may apply, with the necessary modifications, any of the provisions of the Third Schedule to the National Health Insurance Act, 1918 (which relates to the accounts of Insurance Committees and the audit of such accounts). .

5 Provision in case of transference of powers as to training, &c

In the event of any functions of the Minister of Pensions in relation to provision for the care of disabled officers and men after they have left the service, or for their health, training, or employment, being transferred by Order in Council, under any statutory powers, to any other Government department, the functions of local committees in relation to the matters transferred shall, except to such extent (if any) as may be arranged between the Ministry of Pensions and the Department to which the functions are transferred, cease and determine.

6 Application of 8 & 9 Geo.5 c.57 s.13, to Ireland

In the application to Ireland of section thirteen of the War Pensions (Administrative Provisions) Act, 1918 (which relates to the power of taking possession of land), the Commissioners of Public Works in Ireland shall be substituted for the Commissioners of Works.

7 Statutory right to pensions

Every officer or man suffering from a disability attributable to or aggravated by naval, military, or air force service during the present war, and not due to his serious negligence or misconduct, shall be entitled to receive such pension, gratuity, or allowance as shall be awarded by the Minister of Pensions under any Warrant or Order in Council in respect of such disability, and for the payment whereof money shall have 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 in Council.

8 Appeals to Pensions Appeal Tribunals

- (1) Where the claim of an officer or man under any Royal Warrant or Order in Council administered by the Minister of Pensions is rejected on the ground that the disability on which the claim is based,
 - (a) is not attributable to or aggravated by service during the present war, or

(b) is due to the serious negligence or misconduct of the claimant ;
or where such disability, although admitted to be aggravated by, is certified not to be attributable to such service ; or where the claim of the widow or the motherless child of an officer or man under any such Royal Warrant or Order in Council is rejected on the ground

- (i) that the death of the officer or man was not due to, or that the disease from which he died was not attributable to or aggravated by, such service, nor, in the case of a man, contracted or commenced while he was on active service, or
- (ii) that the death of the officer or man was due to his serious negligence or misconduct,

an appeal shall lie to a Pensions Appeal Tribunal established under this section, whose decision shall be final, provided that no appeal shall lie in the case of any claim already heard and rejected by a Ministry Appeal Tribunal.

- (2) Pensions Appeal Tribunals shall be established for such parts of the United Kingdom as may be determined, in accordance with the provisions of the Schedule to this Act. The provisions of that schedule shall have effect in relation to the constitution, jurisdiction and procedure of Pensions Appeal Tribunals.
- (3) " Ministry Appeal Tribunal " shall mean, as the case may be, an Officers' Appeal Board or a Pensions Appeal Tribunal set up by the Minister of Pensions before the first day of November nineteen hundred and nineteen.
- (4) This section shall come into operation on the first day of November nineteen hundred and nineteen.

9 Extension of Acts

Unless the context otherwise requires—

The expression " Royal Warrant " in this Act and in the War Pensions (Administrative Provisions) Act, 1918, shall include any Order under the Air Force (Constitution) Act, 1918 ; and

The provisions of the Naval and Military War Pensions, &c, Act, 1915, and any Act amending the same, including this Act, which are applicable to officers, shall extend so as to be applicable to nurses ; and, accordingly in those Acts any reference to officers shall be construed as including a reference to nurses.

10 Short title

This Act maybe cited as the War Pensions (Administrative Provisions) Act, 1919, and the War Pensions Acts, 1915 to 1918, and this Act may be cited together as the War Pensions Acts, 1915 to 1919.