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STATUTORY INSTRUMENTS

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**2005 No. 870**

**The Social Security Commissioners  
(Procedure) (Amendment) Regulations 2005**

**Amendment to the Social Security Commissioners (Procedure) Regulations 1999**

2. In regulation 4(1)—
- (a) before the definition of “the 1998 Act”, insert—
    - ““the 1943 Act” means the Pensions Appeal Tribunals Act 1943(1);”;
  - (b) for the definition of “appeal tribunal” substitute—
    - ““appeal tribunal” means—
      - (i) an appeal tribunal constituted under Chapter 1 of Part 1 of the 1998 Act; or
      - (ii) a Pensions Appeal Tribunal;”;
  - (c) in the definition of “authorised officer”, after “the 1998 Act” insert “or section 6D(2) of the 1943 Act”;
  - (d) in paragraph (ii) of the definition of “the chairman”, after “the 1998 Act” insert “, section 6A of the 1943 Act”;
  - (e) for the definition of “Commissioner” substitute—
    - ““Commissioner” means the Chief Social Security Commissioner or any other Social Security Commissioner appointed under the 1998 Act, and includes a tribunal of:
      - (i) three or more Commissioners constituted under section 16(7) of the 1998 Act or paragraph 10(5) of Schedule 7 to the 2000 Act; and
      - (ii) two or more Commissioners constituted under section 6D(5) of the 1943 Act or section 16(7) of the 1998 Act;”;
  - (f) in the definition of “respondent”, at the end of paragraph (iii) insert—
    - “,
      - (iv) in the case of an application or appeal under the 1943 Act, the person with a right to appeal under section 6A(2) of that Act other than the applicant or appellant”;
  - (g) after paragraph (2) insert—
    - “(3) A Commissioner is to be known as a “Pensions Appeal Commissioner”—
      - (a) where an application or appeal is made to a Commissioner under the 1943 Act;
      - (b) in respect of the determination of a forfeiture rule question, where the relevant enactment for the purposes of section 4(5) of the Forfeiture Act 1982 is—
        - (i) the Personal Injuries (Emergency Provisions) Act 1939(2);
        - (ii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(3);

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(1) 1943 c. 39; amended by the Armed Forces (Pension and Compensation) Act 2004 (c. 32).

(2) 1939 c. 82.

(3) 1939 c. 83.

- (iii) the Polish Resettlement Act 1947(4); or
- (iv) the Armed Forces (Pensions and Compensation) Act 2004(5).”.

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(4) 1947 c. 19.  
(5) 2004 c. 32.