CHAPTER 49.

An Act to amend the War Pensions Acts, 1915 to 1920, and to provide for certain other matters connected with the administration of pensions, grants, and allowances. [19th August 1921.]

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:—

Establishment of war pensions committees.

1.—(1) Subject to the provisions of this section, the Minister of Pensions (in this Act referred to as "the Minister") may by order make schemes for establishing committees to act as committees for the purposes of the War Pensions Acts, 1915 to 1920, as amended by this Act, for such areas as are respectively specified in the schemes, and, as from the date on which a committee is established for any area by a scheme under this section, all committees constituted under the War Pensions Acts, 1915 to 1920, for that area or any part of that area shall, subject as hereinafter provided, cease to exist, and all the provisions of those Acts, including any regulations, schemes, or orders made thereunder, relating to the constitution and the functions of, or otherwise making provision in relation to, committees under those Acts shall cease to have effect as respects that area:

Provided that—

(*a*) where any such scheme affects part only of the area for which any committee constituted under the War Pensions Acts, 1915 to 1920, is exercising its functions, that committee shall continue to exist, but shall cease to have any functions as respects so much of its area as is included in the area to which the scheme relates; and

(*b*) notwithstanding the making of a scheme for any area, the regulations made under paragraph (*f*) of subsection (1) of section five of the War Pensions (Administrative Provisions) Act, 1918, as amended by section four 8 & 9 Geo. 5. c. 57.

9 & 10 Geo. 5. c. 53.

of the War Pensions (Administrative Provisions) Act, 1919 (in this Act referred to as "the Act of 1919,") providing for the disallowance of any items of expenditure in the accounts of committees or the surcharging of any items disallowed or any loss or deficiency, and the recovery of any amount surcharged, shall, so far as relates to matters occurring before the date on which the scheme takes effect, continue in force as respects the accounts of committees constituted as aforesaid for that area.

(2) Before making any order under this section, the Minister shall take such steps as he may think desirable to consult persons and bodies affected thereby, including local committees.

(3) A committee established by a scheme under this section shall consist of such number of members, not exceeding twenty-five, as may be specified in the scheme, and every such scheme shall provide for the inclusion, so far as practicable, in the committee of representatives of—

(*a*) disabled men who have been discharged from the naval, military, or air service of His Majesty during the present war; and

(*b*) women who are in receipt of pensions as the widows or dependants of men in the said naval, military, or air service who have died from causes arising out of service during the present war; and

(*c*) such of the local authorities whose districts are situate wholly or partly within the area for which the committee is established as are specified in the scheme; and

(*d*) employers and workmen in industry in equal numbers; and

(*e*) voluntary associations engaged in the care of ex-service men and their families in the area;

Provided that—

(i) the persons appointed as representatives of the persons mentioned in paragraphs (*a*) and (*b*) of this subsection shall together constitute not less than one fourth of the total membership of the committee, and the persons appointed as

representatives of the persons mentioned in paragraphs (*c*), (*d*), and (*e*) respectively shall in each case constitute not less than one-fifth of the total membership of the committee, and where one fourth or one fifth of the total membership is not an integral number, the nearest integral number to one fourth or one fifth of the total membership, as the case may be, shall be substituted therefor; and

(ii) where the number of the members to be appointed as representatives of the persons mentioned in paragraph (*d*) as ascertained in the manner aforesaid is not an even number, the number so ascertained shall be increased by one; and

(iii) not less than four members of the committee shall be women.

(4) Every scheme made for the establishment of a committee under this section shall provide for the appointment of the members of the committee by the Minister, and for the periods for which the members shall hold office, and the conditions under which they can be removed from office and on the first constitution of such a committee the Minister shall have regard to the desirability, subject to the provisions of this section, of selecting, so far as possible, for appointment to the committee, persons who are members of the existing committees in the area to which the scheme applies.

(5) Every order made under this section with respect to any area shall provide for the transfer to the committee established thereunder or to the Minister, according as the Minister thinks desirable, of any business pending before the existing committees in so far as the business relates to that area, and may contain such consequential and supplemental provisions as the Minister may consider necessary.

(6) In the appointment of officers required for the administration of any business transferred to the Minister in pursuance of an order made under this section, the employment of suitable members of the staff of any existing committee in the area shall, so far as practicable, be considered.

(7) Any order made under this section shall have effect as if enacted in this Act, and may be revoked, varied, or amended by a subsequent order so made.

Functions of war pensions committees.

2.—(1) The functions of a committee established under this Act shall be—

(*a*) to consider and make recommendations to the Minister as to the administration of war pensions in the area of the committee; and

(*b*) to receive reports from officers in the area of the committee as to the state and progress of applications from persons residing in the area of the committee; and

(*c*) to hear and consider complaints made to the committee by persons in receipt of or claiming pensions, and to make representations thereon to the Minister; and

(*d*) to enquire into any matter referred to them by the Minister or the special grants committee and to report thereon, with such recommendations as they think fit, to the Minister or that committee, as the case may be; and

(*e*) to make arrangements for the distribution of any supplementary grants which they may be required to distribute by the special grants committee; and

(*f*) to consider applications for grants from such departments, bodies or organisations as the Minister may specify, and make recommendations with respect thereto; and

(*g*) to perform any duties required by the Minister or the special grants committee to be performed by them in relation to children for whose care it is the duty of the Minister to make provision; and

(*h*) to take steps to secure the assistance and co-operation of voluntary workers in connection with the work of the committee, and particularly in rural districts; and

(*i*) to perform such other duties in relation to pensions, and to any other matters, as the Minister may by regulation prescribe.

(2) The functions of committees under this section shall be exercised subject to and in accordance with regulations to be made by the Minister.

Constitution of central advisory committee.

3. As soon as possible after the passing of this Act the Minister shall constitute a central advisory committee consisting of officers of the Ministry (local and central), ex-service men, and representatives of any committees constituted under the War Pensions Acts, 1915 to 1920, or under this Act, and for the time being in existence to consider such matters as may be put before them by the Minister for their advice.

Final awards.

4.—(1) Notwithstanding anything in any Warrant, Order in Council, or Order administered by the Minister, the Minister may, subject to the approval of the Treasury, make regulations providing for the making of final awards in the case of any officers or men to whom pensions in respect of disablement due to causes arising out of service during the present war have been granted or who claim such pensions, and prescribing the principles on which any such awards are to be made and the classes of pension to which this section is to apply.

(2) The case of every such officer and man as aforesaid shall, with a view to making a final award, be taken into consideration not later than four years after his discharge from the service or after the first award of a pension to him, as may be prescribed by regulations made under this section.

(3) If any person in whose case a final award has been made under this section is dissatisfied with the award, he may, at any time within one year from the date on which notice of the making of the award is given to him, appeal to a Pensions Appeal Tribunal established under section eight of the Act of 1919, and the Tribunal shall, if they are of opinion that, having regard to all the circumstances of the case, the final award ought not to have been made or that the proper amount of pension or proper rate of disablement was not fixed by the award, as the case may be, either set aside the award or increase or decrease the amount or rate so fixed as they think proper, and shall in any other case disallow the appeal:

Provided that—

(*a*) a Pensions Appeal Tribunal in exercising their powers in relation to appeals under this

section shall have regard to the provisions of any regulations made under this section; and

(*b*) for the purpose of hearing appeals under this section the constitution of the Tribunal shall be modified by the substitution for the legal representative of a second medical practitioner having such qualifications as may be prescribed by regulations made under the Schedule to the Act of 1919, and that schedule shall have effect accordingly, and regulations may be made under that schedule with respect to appeals under this section.

The Minister shall, in such manner as may be prescribed by regulations made by him under this section, bring the provisions of this subsection to the notice of persons having a right of appeal thereunder.

(4) Where a grant of a permanent pension or of a gratuity or a final weekly allowance or an award (other than the grant of a conditional pension) has been made before the commencement of this Act, the grant or award shall for the purposes of this section be treated as a final award made thereunder, and this section shall apply accordingly with the substitution of one year from such date (not being earlier than the commencement of this Act) as may be fixed for the purposes of this subsection by regulations made under this section for one year from the date of notice of the award.

Limit of time for making claims to pensions in respect of disablement. 8 & 9 Geo. 5. c. 59.

5. The power of the Minister under any Warrant, Order in Council or Order to grant a pension to any person in respect of disablement shall not be exercised unless the claim in respect of the disablement is made within seven years after the date on which the claimant was discharged or the date fixed under the Termination of the Present War (Definition) Act, 1918, as the date of the termination of the present war, whichever date is the earlier.

Amendment of s. 8 of 9 & 10Geo.5. c. 53. 11 Geo. 5. c. 23.

6.—(1) No appeal shall lie under section eight of the Act of 1919 as originally enacted, or as amended by section eight of the War Pensions Act, 1920 (in this Act referred to as "the Act of 1920"), to a Pensions Appeal Tribunal against the rejection of a claim unless notice of intention to appeal is given in such manner as may be prescribed by regulations made under the Schedule

to the Act of 1919, and within twelve months after the date of the notification to the claimant of the rejection of the claim or after the date of the commencement of this Act, whichever is the later.

(2) A Pensions Appeal Tribunal in considering such an appeal as aforesaid shall have regard to the terms of the Warrant, Order in Council, or Order in pursuance of which the claim purports to be made, and shall not allow the appeal unless they are satisfied that the claim is in all respects well founded having regard to the said terms.

Power to commute pensions.

7.—(1) The Minister, on the application of any person in receipt of a pension, may in his discretion and on the prescribed terms and subject to the prescribed conditions, commute any part of the pension by the payment of a capital sum.

(2) If any person making an application under this section for the commutation of his pension wilfully makes a false statement in any declaration which he is required to make for the purposes of or in connection with the application, he shall be liable on summary conviction to imprisonment for a term not exceeding one month, or to a fine not exceeding ten pounds, or to both such imprisonment and fine.

(3) In this section the expression "prescribed" means prescribed by regulations made by the Minister with the approval of the Treasury.

Extension of s. 9 of 8 & 9 Geo. 5. c. 57. 52 & 53 Vict. c. 56. 62 & 63 Vict. c. 37.

8. Where by virtue of a resolution passed under section one of the Poor Law Act, 1889, as amended by section one of the Poor Law Act, 1899, the control of any child, being a child to whom section nine of the War Pensions (Administrative Provisions) Act, 1918, would apply if it were suffering from neglect or want of proper care, is vested in the guardians of a poor law union, the guardians may on the application of the Minister permit the child to be under the control of the Minister as if the Minister were a person named in that behalf in the proviso to subsection (1) of section one of the said Poor Law Act, 1889, and, where any guardians so permit, it shall be the duty of the Minister to make provision for the care of the child as if it were a child to whom the said section nine applied, and that section as amended by

section nine of the Act of 1920 shall apply accordingly with the necessary modifications.

Regulations to be laid before Parliament.

9. Every order and every regulation made under this Act shall be laid before each House of Parliament forthwith, and, unless and until an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such order or regulation is laid before it, praying that the order or regulation may be annulled, the order or regulation shall have effect as if enacted in this Act.

Construction and short title.

10.—(1) This Act may be cited as the War Pensions Act, 1921, and shall be construed as one with the War Pensions Acts, 1915 to 1920, and those Acts and this Act may be cited together as the War Pensions Acts, 1915 to 1921.

(2) In this Act, unless the context otherwise provides, the expression "pension" means any pension, grant, gratuity, or allowance in respect of disablement under any Warrant, Order in Council, or Order, administered by the Minister, and for the purposes of this Act a person shall be deemed to have been discharged from the service at the time when his active service terminated.

CHAPTER 50.

An Act to make provision for the examination and putting in evidence in trials on indictment in Scotland of witnesses and productions not included in lists lodged, and for the remission for sentence to the High Court of Justiciary of persons pleading or found guilty on indictment in the Sheriff Court. [19th August 1921.]

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:—

Examination of witnesses.

1. On the trial of any person on indictment in the High Court of Justiciary or in the Sheriff Court it shall