EXPLANATORY MEMORANDUM TO

THE WAR PENSION COMMITTEES (AMENDMENT) REGULATIONS 2006

2006 No. 3152

1. This explanatory memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The War Pensions Committees (Amendment) Regulations 2006 ("the Instrument") make changes to the constitution and function of the war pension committees which were established by the War Pensions Committees Regulations 2000 ("the 2000 Regulations"). The Instrument changes the constitution of the war pensions committees; amends one of their functions and replaces references to the War Pensions Agency with the Veterans Agency.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 Section 25 of the Social Security Act 1989 gave the Secretary of State the power to make regulations to confer functions upon the war pensions committees. The 2000 Regulations set out these functions but since coming into a force an issue has been identified which makes it desirable to amend one of those functions. The amendments are detailed in paragraph 7.

4.2 The Instrument alters the constitution of the war pensions committees by revising the regions for which the committees have responsibility so that they mirror the regions specified in the Regional Development Agencies Act 1998.

5. Territorial Extent and Application

5.1 This Instrument applies to all of the United Kingdom**.**

6. European Convention on Human Rights

6.1 As the Instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 In addition to the function referred to in paragraph 7.2 below, the war pension committees' functions are to enable and foster local consultation by the Secretary of State on issues affecting war pensioners, surviving spouses or surviving civil partners

and help increase awareness about the Veterans Agency; help and increase awareness about war pensions; and assist war pensioners, surviving spouses or surviving civil partners with any problem or complaint regarding pensions or the welfare service provide by the Veterans Agency. In its area a war pensions committee may assist any individual war pensioner, surviving spouses or surviving civil partner in pursuing any problem of complaint; make representations and recommendations to the Secretary of State about any problem of complaint; report to the Secretary of State on any matter arising pursuant to its functions and receive and disburse funds from charitable or other sources for the sole purpose of provision of social activities for war pensioners, surviving spouses or surviving civil partners.

7.2 The current regulation 8(1)(c) of the 2000 Regulations confers upon war pensions committees the function of supporting, monitoring and helping increase awareness about the services provided by the Veterans Agency and other organisations with a view to ensuring that the needs of war pensioners, surviving spouses or surviving civil partners and dependants are suitably addressed. This can be interpreted as conferring upon the war pensions committees a power to monitor the Veterans Agency as a whole as opposed to its welfare service alone and to monitor other organisations. This does not reflect the current functions of the war pensions committees or the intentions of the Secretary of State. The Instrument clarifies the position and removes any ambiguity. Consultation with the war pensions committee chairmen has taken place in that the change to the monitoring function of the welfare service introduced by regulation 8(1)(c) was proposed by the war pensions committee chairmen themselves and has been unanimously endorsed by them, as were the changes to the constitution of the War Pension Committees. No further consultation was required.

7.3 War pension committee reconstitution takes place every 3 years with any amendments to their role and areas being made. The changes to the regions assigned to the war pensions committees in England have been made in order to mirror the regions specified under the Regional Development Agencies Act 1998 for which the development agencies have responsibility in line with the policy of the Veterans Agency. Responsibility for Stirling has been moved from the East Scotland War Pensions Committee to the West Scotland War Pensions Committee to reflect the change in the boundaries of the welfare service for those areas.

7.4 On 2nd April 2002 the name of the War Pensions Agency was changed to the Veterans Agency and the Instrument reflects this change of name.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for the Instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Mrs Sue McIntosh at the Ministry of Defence Tel: 0207 218 0564 can answer any queries regarding the Instrument.