

# **Veterans Advisory and Pensions Committees Bill**

## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Ministry of Defence with the consent of Robin Millar, are published separately as Bill 37—EN.



# **Veterans Advisory and Pensions Committees Bill**

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[AS INTRODUCED]

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[AS INTRODUCED]

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# BILL

TO

Make provision about veterans advisory and pensions committees; and for connected purposes.

**B**E 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:—

## 1 Veterans advisory and pensions committees

After Part 16A of the Armed Forces Act 2006 (armed forces covenant report) insert—

### “PART 16B

#### VETERANS ADVISORY AND PENSIONS COMMITTEES

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#### 343C Establishment and functions of veterans advisory and pensions committees

- (1) The Secretary of State may by regulations establish committees, to be known as veterans advisory and pensions committees, for areas specified in the regulations. 10
- (2) The regulations may, in particular, include provisions about—
  - (a) membership of committees;
  - (b) appointment and removal of members;
  - (c) period and terms of membership.
- (3) The regulations may give the committees functions relating to one or more of the following— 15
  - (a) former members of the armed forces;
  - (b) family members of former members;
  - (c) services provided by the Ministry of Defence to former members of the armed forces or family members of former members; 20
  - (d) armed forces covenant matters relating to former members of the armed forces or family members of former members;
  - (e) war pensioners;

- (f) war pensions;
  - (g) AFCS benefit recipients;
  - (h) AFCS benefits.
- (4) The regulations may include provisions about the way in which the committees are to perform their functions. 5
- (5) The regulations may provide for the committees to have names specified in the regulations (as well as being known as veterans advisory and pensions committees).
- (6) In this section—
- “AFCS benefit” means a benefit payable under an armed and reserve forces compensation scheme established by order under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004; 10
  - “AFCS benefit recipient” means a person in receipt of an AFCS benefit, in the person’s capacity as such; 15
  - “armed forces covenant matter”, in relation to a former member of the armed forces or a family member of a former member, means any matter relating to effects of former membership of the armed forces on the former member or the family member— 20
    - (a) in the fields of healthcare, education or housing,
    - (b) in the operation of inquests, or
    - (c) in any other field that the Secretary of State could determine under section 343A(2)(c);
  - “family member of a former member” means a person who, in relation to a former member of the armed forces, is a person prescribed by regulations under section 343B(4A); 25
  - “former member of the armed forces” means a former member of any of His Majesty’s forces who is ordinarily resident in the United Kingdom; 30
  - “war pension” means—
    - (a) any pension or other benefit, payable otherwise than under an enactment, for or in respect of a person who has died or been disabled in consequence of service as a member of the armed forces of the Crown, 35
    - (b) any pension or benefit awarded under—
      - (i) the Personal Injuries (Emergency Provisions) Act 1939,
      - (ii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, or 40
      - (iii) the Polish Resettlement Act 1947,
    - (c) any pension or other payment which constitutes an obligation of a kind mentioned in section 4(1) of the Statute Law Revision Act 1958 (seamen and fishermen killed or injured in the 1914-1918 war), or 45

- (d) any other pension or benefit which is specified in regulations made by the Secretary of State, but does not include any pension or benefit administered by the Defence Council or the Commissioners for the Royal Hospital for Soldiers at Chelsea, or any pension or benefit administered by the Secretary of State for Defence (except one administered by the Secretary of State in the exercise of functions transferred to the Secretary of State from the Secretary of State for Work and Pensions); 5
- “war pensioner” means a person in receipt of a war pension, in the person’s capacity as such.” 10

## 2 Consequential provision

- (1) In consequence of section 1—
- (a) omit section 25 of the Social Security Act 1989 (war pensions committees) and the italic heading before it; 15
- (b) in section 3 of the War Pensions Act 1921 (constitution of central advisory committee), for “under section 25 of the Social Security Act 1989” substitute “under section 343C of the Armed Forces Act 2006”;
- (c) in section 9 of the Chronically Sick and Disabled Persons Act 1970 (central advisory committee on war pensions), in subsection (1), for “by regulations under section 25 of the Social Security Act 1989” substitute “by regulations under section 343C of the Armed Forces Act 2006”; 20
- (d) in the Social Security Administration Act 1992—
- (i) in section 7A (sharing of functions as regards certain claims and information), in subsection (6), for “section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees)” substitute “section 343C of the Armed Forces Act 2006 (establishment and functions of veterans advisory and pensions committees)”; 25 30
- (ii) in section 122C (supply of information to authorities administering benefit), in subsection (8), for “section 25 of the Social Security Act 1989” substitute “section 343C of the Armed Forces Act 2006”;
- (iii) in paragraph 5 of Schedule 4 (construction of references to government departments etc), for “section 25(4) of the Social Security Act 1989” substitute “section 343C(6) of the Armed Forces Act 2006”; 35
- (e) in section 137 of the Social Security Contributions and Benefits Act 1992 (interpretation), in subsection (1), in the definition of “war pension scheme”, for “section 25 of the Social Security Act 1989” substitute “section 343C of the Armed Forces Act 2006”; 40
- (f) in section 2 of the Social Security Act 1998 (use of computers), in subsection (3), for “section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees)” substitute 45

- “section 343C of the Armed Forces Act 2006 (establishment and functions of veterans advisory and pensions committees)”;
- (g) in section 72 of the Welfare Reform and Pensions Act 1999 (supply of information for certain purposes), in subsection (6), for “section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees)” substitute “section 343C of the Armed Forces Act 2006 (establishment and functions of veterans advisory and pensions committees)”;
- (h) in section 5 of the Television Licences (Disclosure of Information) Act 2000 (interpretation), in the definition of “war pensions”, for “section 25 of the Social Security Act 1989” substitute “section 343C of the Armed Forces Act 2006”;
- (i) in section 13 of the Social Security Fraud Act 2001 (interpretation), in the definition of “war pension”, for “section 25 of the Social Security Act 1989 (c 24) (establishment and functions of war pensions committees)” substitute “section 343C of the Armed Forces Act 2006 (establishment and functions of veterans advisory and pensions committees)”;
- (j) in paragraph 4(5) of Schedule 5 to the Tax Credits Act 2002 (exchange of information), for “section 25(4) of the Social Security Act 1989 (c 24)” substitute “section 343C(6) of the Armed Forces Act 2006”;
- (k) in section 2 of the Digital Switchover (Disclosure of Information) Act 2007 (kinds of information), in subsection (3), for “section 25(4) of the Social Security Act 1989 (c 24)” substitute “section 343C(6) of the Armed Forces Act 2006”;
- (l) in paragraph 2(1) of Schedule 3 to the Data Protection Act 2018 (health data), in the definition of “war pension”, for “section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees)” substitute “section 343C of the Armed Forces Act 2006 (establishment and functions of veterans advisory and pensions committees)”.
- (2) The Secretary of State may by regulations made by statutory instrument make such provision as the Secretary of State considers appropriate in consequence of this Act.
- (3) A statutory instrument containing regulations made under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

### **3 Extent, commencement, transitional provision and short title**

- (1) Subject to subsection (2), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Any provision in section 2 that amends or repeals an enactment has the same extent as the enactment amended or repealed.
- (3) Sections 1 and 2(1) come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.



- (4) The other provisions of this Act come into force on the day on which this Act is passed.
- (5) The Secretary of State may by regulations made by statutory instrument make such transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act.
- (6) This Act may be cited as the Veterans Advisory and Pensions Committees Act 2023.

# Veterans Advisory and Pensions Committees Bill

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## B I L L

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Make provision about veterans advisory and pensions committees; and for connected purposes.

*Presented by Robin Millar*

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