

Appeals
from
decisions of
Pension
Tribunal.

“65. (1) From the decision of the Pension Tribunal on any application falling within one of the classes hereinafter defined, the claimant or the commission counsel may appeal to the Pension Appeal Court within the time hereafter limited by filing notice of intention to appeal with the registrar of the Pension Appeal Court, who shall notify the Department, the chief pension advocate and the chief commission counsel, of the receipt of such notice and of the time at which the appeal will come on to be heard. 5

Notice of
approval.

(2) Notice of an appeal may be filed by a commission counsel at any time within fifteen days from the date of the decision if the same was given at the conclusion of the hearing, or if not so given, within fifteen days after the appellant has received notice thereof, and by the applicant at any time. 10 15

Appeals to
Pension
Appeal Court.

“66. An appeal shall lie to the Pension Appeal Court from any decision of the Pension Tribunal turning upon:—

- (a) whether or not any injury or disease or aggravation thereof which resulted in the disability or death upon which the application is based, was attributable to or was incurred during military service; 20
- (b) whether or not any injury or disease or aggravation thereof which was attributable to or was incurred during military service resulted in the disability or death upon which the application is based; 25
- (c) whether or not any pre-enlistment disability was wilfully concealed, was obvious, was of a nature to cause rejection from service, or was congenital;
- (d) the degree of any pre-enlistment disability;
- (e) the right to receive pension in respect of any period prior to the date of the application therefor; 30
- (f) the jurisdiction of the Commission or the Pension Tribunal to deal with an application either generally or in any particular way;
- (g) the interpretation of any provision of this Act. 35

Carrying
out of
decisions.

“67. (1) Every decision of the Pension Tribunal in favour of the applicant shall be acted upon by the Department after the expiry of sixteen days from the date upon which it receives notice of the decision unless and until it has been notified that an appeal has been taken to the Pension Appeal Court. 40

In case of
appeals.

(2) Notwithstanding that it has been so notified, the Department shall act upon such decision after the expiry of sixty days from the date thereof unless and until it is notified by the registrar of the Pension Appeal Court that such Court has otherwise directed or that the appeal has been presented to the Court, which still has its decision thereon under consideration. 45