

SCHEDULES

SCHEDULE 2

Section 3(2).

TRANSITIONAL AND SAVING PROVISIONS

1. Any proceedings before the Pensions Regulator Tribunal which are pending immediately before the transfer date shall continue on and after the transfer date as proceedings before the Upper Tribunal.

2.—(1) The following sub-paragraphs apply where proceedings are continued in the Upper Tribunal by virtue of paragraph 1.

(2) Where a hearing began before the transfer date but was not completed by that date, the Upper Tribunal must be comprised for the continuation of that hearing of the person or persons who began it.

(3) The Upper Tribunal may give any direction to ensure that proceedings are dealt with fairly and, in particular, may—

(a) apply any provision in procedural rules which applied to the proceedings before the transfer date; or

(b) disapply provisions of Tribunal Procedure Rules.

(4) In sub-paragraph (3) “procedural rules” means provision (whether called rules or not) regulating practice or procedure before a tribunal.

(5) Any direction or order given or made in proceedings which is in force immediately before the transfer date remains in force on and after that date as if it were a direction or order of the Upper Tribunal.

(6) A time period which has started to run before the transfer date and which has not expired shall continue to apply.

(7) An order for costs may only be made if, and to the extent that, an order could have been made before the transfer date.

3. Where an appeal lies to a court from any decision made by the Pensions Regulator Tribunal before the transfer date, that right of appeal has not been exercised, and the time to exercise that right of appeal has not expired prior to the transfer date, section 13 of the [Tribunals, Courts and Enforcement Act 2007](#) (c. 15) (right to appeal to Court of Appeal) shall apply as if the decision were a decision made on or after the transfer date by the Upper Tribunal.

4. Any case to be remitted by a court on or after the transfer date and which, if it had been remitted before the transfer date, would have been remitted to the Pensions Regulator Tribunal, shall be remitted to the Upper Tribunal.
5. A decision made by the Pensions Regulator Tribunal before the transfer date is to be treated on or after the transfer date as a decision of the Upper Tribunal.
6. In this Schedule “transfer date” means the date on which the functions of the Pensions Regulator Tribunal are transferred to the Upper Tribunal by section 1.