

1978 No. 169

PENSIONS (NORTHERN IRELAND)**Pensions Appeal Tribunals (Northern Ireland) (Amendment No. 2)
Rules 1978**

Made 22nd June 1978
Coming into operation 31st July 1978
To be laid before Parliament

I, the Right Honourable Sir Robert Lynd Erskine Lowry, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred on me by paragraph 5 of the Schedule to the Pensions Appeal Tribunals Act 1943(a), as amended by the Administration of Justice Act 1977(b), and of all other powers enabling me in this behalf, hereby make the following Rules:

... 1. The Pensions Appeal Tribunals (Northern Ireland) Rules 1972(c), as amended(d), shall be further amended as follows:—

(1) In Rule 26 (which provides for the payment of expenses)—

(a) for paragraph (1) there shall be substituted the following paragraph:

“(1) In addition to any expenses and allowances payable by the Tribunal by virtue of paragraph 7A of the Schedule to the Act, there may be allowed—

(a) to an appellant who is examined by a medical specialist pursuant to arrangements made by the Tribunal under Rule 15(2);

(b) to a witness other than a medical witness who attends the hearing, where before the hearing an application is made to the Chairman of the Tribunal and he certifies that in the exceptional circumstances of the case the attendance of the witness is necessary;

the travelling expenses actually and reasonably incurred by him for the purpose of undergoing the medical examination or attending the Tribunal, as the case may be, and an allowance in respect of subsistence not exceeding in amount whichever of the allowances specified in Part I of Schedule 2 is appropriate to his case.”;

(b) paragraphs (2) and (3) shall be omitted.

(c) the following paragraph shall be inserted after paragraph (1):

“(2) Where the appeal is successful, and where the appeal was not successful but the Chairman certifies that there were reasonable grounds for the appeal, there may be allowed to an appellant or witness to whom an allowance may be made under paragraph (1) such additional sum for loss of time as the Chairman thinks reasonable, not exceeding the sum of £10.75 per day (£5.38 per half day)”.

(a) 1943 c. 39

(b) 1977 c. 38

(c) S.R. & O. (N.I.) 1972 No. 267 (p. 1420)

(d) S.R. & O. (N.I.) 1972 No. 338 (p. 1688); S.R. 1976 No. 73 (p. 359); S.R. 1978 No. 117

(2) In Rule 29 (which relates to the expenses of medical and other experts)—

(a) for paragraph (2) there shall be substituted the following paragraph:—

“(2) Where the Tribunal summon an expert or other witness, the Tribunal may direct the payment to such witness of a fee not exceeding £17.40 or such greater fee not exceeding £34.80 as the Chairman may direct.”;

(b) the following paragraph shall be inserted after paragraph (2):—

“(3) Where the Tribunal obtain from a medical practitioner, a hospital or other institution a report, certificate or other documentary information relating to an appeal, the Chairman may direct the payment to the medical practitioner, hospital or institution of such sum, not exceeding £34.80, as he may think reasonable.

Provided that the sum payable for providing a copy of a document or set of documents shall not exceed £1.25 in respect of each copy or set of copies.”.

(3) In Rule 30 (which relates to claims for expenses) after the word “expenses” there shall be inserted the words “or allowances” and the words “under Rule 26 or 29” shall be omitted.

(4) In Schedule 2 (which prescribes the level of subsistence allowances and of expenses of medical evidence) for Part I there shall be substituted the following:

“PART I

1. The maximum allowance payable to an appellant or witness under paragraph (1) of Rule 26 shall be—

(a) for an absence from home for a period of two and a half hours or more but less than five hours consecutively, £0.48, or for a period of five hours or more but less than ten hours consecutively, £0.95, or for a period of ten hours or more consecutively, £2.20;

(b) instead of any sum payable under paragraph (a)—
for each night absent from home, £10.95.

2. When the appellant or witness is absent from home for more than twenty-four hours he shall be entitled to a further allowance calculated in accordance with the foregoing provisions for periods of absence during each successive period of twenty-four hours.”.

2. These Rules may be cited as the Pensions Appeal Tribunals (Northern Ireland) (Amendment No. 2) Rules 1978 and shall come into operation on 31st July 1978.

Dated 22nd June 1978.

(Signed) *Robert Lowry*
Lord Chief Justice of Northern
Ireland

EXPLANATORY NOTE

(This note is not part of the Rules but is intended to indicate their general purport.)

These Rules make further amendments to the Pensions Appeal Tribunals (Northern Ireland) Rules 1972. The principal alterations they make are as follows:—

- (i) Rule 26 is revised so that in addition to any expenses and allowances payable under the Pensions Appeal Tribunals Act 1943, as amended, allowances for travel, subsistence and loss of time may also be paid to appellants undergoing a medical examination and witnesses (other than medical witnesses) whose attendance is necessary;
- (ii) Rule 29 is revised by the substitution of a new paragraph (2) and the insertion of paragraph (3). These new provisions increase the expenses which may be allowed to appellants in respect of medical witnesses and reports, and prescribe that a maximum fee of £1.25 is payable for a copy of a document or set of documents provided by a medical expert, hospital or other institution;
- (iii) Part I of Schedule 2 is revised so as to increase the level of allowances payable under Rule 26.