

1995 No. 210

PENSIONS

**The Judicial Pensions (Appeals) Regulations
(Northern Ireland) 1995**

Made 22nd May 1995

Coming into operation 21st June 1995

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred on him by the statutory provisions specified in the Schedule, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Judicial Pensions (Appeals) Regulations (Northern Ireland) 1995 and shall come into operation on 21st June 1995.

Application of Regulations

2. These Regulations shall apply to any appeal brought under the following statutory provisions—

- (a) section 132A of the County Courts Act (Northern Ireland) 1959(a);
- (b) section 21A of the Resident Magistrates' Pensions Act (Northern Ireland) 1960(b);
- (c) paragraph 7B of Schedule 10 to the Social Security (Northern Ireland) Act 1975(c).

Notice of appeal

3. The appellant shall bring his appeal by giving a notice of appeal in writing to the Lord Chancellor.

Time limits in relation to the notice of appeal

4.—(1) The appellant must give the notice of appeal to the Lord Chancellor at his office not later than two months after the date on which the administrators notify him of the decision against which he appeals.

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- (a) 1959 c. 25 (N.I.); section 132A was inserted by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 3, paragraph 7(2)(a)
 - (b) 1960 c. 2 (N.I.); section 21A was inserted by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 3, paragraph 7(2)(b)
 - (c) 1975 c. 15; paragraph 7B of Schedule 10 was inserted by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 3, paragraph 7(4)

(2) The Lord Chancellor may extend the time limit mentioned in paragraph (1), if he thinks it appropriate to do so in an individual case.

(3) The Lord Chancellor shall, no later than 7 days after the date of arrival of the notice of appeal in his office, send a copy of that notice, together with any documents attached to it, to the administrators.

Form of notice of appeal

5.—(1) The notice of appeal shall state—

- (a) the grounds of the appeal with sufficient particulars to show why the appellant is aggrieved by the decision; and
- (b) the full name of the appellant and the address to be used for service on him of any documents in connection with the appeal.

(2) The notice of appeal shall be signed by or on behalf of the appellant.

Documents to be attached to notice of appeal

6.—(1) In any case where the appellant wishes to rely on any documents for the purposes of his appeal, those documents, or any copy of them, shall be attached to the notice of appeal.

(2) In a case where a copy of a document has been attached to the notice of appeal, the Lord Chancellor may, if he thinks it is necessary, request the appellant to send to him the original of that document.

Amendment of appeal and request for further particulars

7.—(1) The Lord Chancellor may, at any time before he decides the appeal—

- (a) permit an appellant to amend his grounds of appeal;
- (b) request an appellant to provide further particulars of any matter referred to in his notice of appeal; and
- (c) request an appellant to produce documents relevant to those further particulars.

(2) The Lord Chancellor may specify a time limit for receipt of any such further particulars or documents.

(3) The Lord Chancellor shall send to the administrators any such further particulars or documents no later than 7 days after the date of their arrival in his office.

Withdrawal of appeal

8.—(1) The appellant may, at any time before the Lord Chancellor decides his appeal, withdraw his appeal, by giving to the Lord Chancellor a notice in writing stating that he withdraws his appeal signed by him or on his behalf.

(2) The Lord Chancellor shall notify the administrators of any such withdrawal no later than 7 days after the date of its arrival in his office.

Provisions Conferring Powers Exercised in Making These Regulations

County Courts Act (Northern Ireland) 1959, section 132A(4)

Resident Magistrates' Pensions Act (Northern Ireland) 1960, section 21A(4)

Social Security (Northern Ireland) Act 1975, Schedule 10, paragraph 7B(4)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision as to the manner in which, and time within which, appeals under section 132A of the County Courts Act (Northern Ireland) 1959, section 21A of the Resident Magistrates' Pensions Act (Northern Ireland) 1960 and paragraph 7B of Schedule 10 to the Social Security (Northern Ireland) Act 1975, against decisions of the administrators of certain judicial and other pension schemes are to be brought.