

This instrument replaces S.I. 2001 No. 3207 (S.16) which was incorrectly registered in the United Kingdom Statutory Instrument series. Copies are being issued free of charge to all known recipients of the original Statutory Instrument.

SCOTTISH STATUTORY INSTRUMENTS

2001 No. 410

PENSIONS

The Pensions Appeal Tribunals (Scotland) (Amendment) Rules 2001

Made - - - - *31st August 2001*
Laid before the Scottish
Parliament - - - - *9th November 2001*
Coming into force - - *1st December 2001*

The Lord President of the Court of Session, in exercise of the powers conferred on him by paragraph 5 of the Schedule to, and read along with section 13 of, the Pensions Appeal Tribunals Act 1943(1), and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(2), hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Pensions Appeal Tribunals (Scotland) (Amendment) Rules 2001 and shall come into force on 1st December 2001.

Interpretation

2. A reference in these Rules to any rule by number alone means the rule so numbered in the Pensions Appeal Tribunals (Scotland) Rules 1981(3).

Amendment of the Pensions Appeal Tribunals (Scotland) Rules 1981

3. In rule 2(1)–
- (a) in sub-paragraph (b), for “or 5” substitute “, 5 or 5A”;
 - (b) after sub-paragraph (d) insert–

(1) 1943 c. 39. Paragraph 5 of the Schedule was amended by Part II of Schedule 5 to the Administration of Justice Act 1977 (c. 38) and section 16(6) of the Social Security Act 1980 (c. 30).
(2) 1992 c. 53.
(3) S.I. 1981/500, as amended by S.I. 1986/373 and 1998/1225.

“(dd) “the Deputy President” means such person as may be appointed by the Lord President of the Court of Session to be Deputy President of Pensions Appeal Tribunals for Scotland under paragraph 2B of the Schedule to the Act;”;

(c) at the end of sub-paragraph (j) insert–

“for Scotland under paragraph 2B of the Schedule to the Act(4); and, where a Deputy President has been appointed, references to the President shall be construed as including the Deputy President where he is authorised to carry out any function of the President under any provision of the Act or of these Rules”; and

(d) after sub-paragraph (k) insert–

“(kk) “specified decision” has the meaning given in section 5A of the Act(5);”.

4. In rule 3(1)–

(a) omit the word “and” after paragraph (a); and

(b) after paragraph (b) insert–

“; and

(c) an appeal against a specified decision shall be brought by the person in respect of whom the Minister has made the decision.”.

5. In rule 11(1), omit the words in brackets.

6. In rule 18, omit the word “shortly”.

7. In rule 20(2)(b)(6), after “hearing” insert “, giving written reasons for the adjournment”.

8. In rule 36, after “be discharged by” insert “the Deputy President or, if there is no Deputy President or the Deputy President is for any reason unable to act, by”.

Edinburgh
31st August 2001

Rodger of Earlsferry
Lord President, I.P.D.

(4) Paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 was inserted by section 60(3) of the Child Support, Pensions and Social Security Act 2000 (c. 19).

(5) Section 5A of the Pensions Appeal Tribunals Act 1943 was inserted by section 57(1) of the Child Support, Pensions and Social Security Act 2000.

(6) Rule 20 was substituted by rule 8 of the Pensions Appeal Tribunals (Scotland) (Amendment) Rules 1998 (S.I. 1998/1225).

EXPLANATORY NOTE

(This Note is not part of the Rules)

These Rules amend the Pensions Appeal Tribunals (Scotland) Rules 1981 so as to reflect the amendments to the Pensions Appeal Tribunals Acts made by the Child Support, Pensions and Social Security Act 2000 and effect other minor changes. In particular, the Rules provide for–

- (a) appeals against “specified decisions” under section 5A of the Pensions Appeal Tribunals Act 1943, as inserted by the Child Support, Pensions and Social Security Act 2000 (rules 3(a) and 4);
- (b) the position and powers of the Deputy President of Pensions Appeal Tribunals for Scotland (rules 3(b) and (c) and 8);
- (c) the omission of some unnecessary words in defining what persons may represent an appellant (rule 5); and
- (d) the statement of reasons for a decision of a Tribunal, including a decision to adjourn an appeal (rules 6 and 7).