



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART IX

#### RESERVE FORCES APPEAL TRIBUNALS

#### **88 The reserve forces appeal tribunals.**

- (1) Tribunals to be known as reserve forces appeal tribunals (referred to in this Part as “appeal tribunals”) may be constituted for the purpose of exercising the jurisdiction mentioned in section 89.
- (2) Such number of appeal tribunals shall be constituted, sitting at such times and such places, as the Secretary of State may from time to time determine.
- (3) The Secretary of State may make available such officers and staff as he may consider necessary for carrying out the administrative work of appeal tribunals.

#### **89 Jurisdiction and powers of appeal tribunals.**

- (1) An appeal lies to an appeal tribunal by virtue of section 81(4) in respect of a determination of an application under regulations under section 78 or 79.
- (2) An appeal lies to an appeal tribunal by virtue of sections 83(4)<sup>[F1]</sup>, 84(3) and 84A(6) in respect of a determination of a claim under regulations under sections 83<sup>[F2]</sup>, 84 and 84A] respectively.
- (3) An appeal to an appeal tribunal shall be by way of a rehearing of the application or claim.
- (4) An appeal tribunal hearing an appeal may dismiss the appeal or may make any determination which the person or body hearing the original application or claim had the power to make.
- (5) The person or body responsible for making determinations under the regulations under which the application or claim was made shall (so far as may be necessary) give effect under those regulations to the determination of the appeal tribunal.

*Status: Point in time view as at 10/03/2022.*

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### Textual Amendments

- F1** Words in s. 89(2) substituted (5.9.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 7 para. 8\(a\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 3
- F2** Words in s. 89(2) substituted (5.9.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 7 para. 8\(b\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 3

## 90 Appointment of panel of chairmen.

- (1) There shall be a panel of chairmen of reserve forces appeal tribunals appointed by the Lord Chancellor<sup>F3</sup>. . . .

[<sup>F4</sup>(1A) The Lord Chancellor may not appoint a member of the panel unless the appropriate senior judge concurs.]

- (2) No person may be appointed to the panel unless he is—
- a person who has a 10 year general qualification (within the meaning of section 71 of the<sup>M1</sup>Courts and Legal Services Act 1990);
  - an advocate or solicitor in Scotland of at least 10 years' standing; or
  - a member of the Bar of Northern Ireland or [<sup>F5</sup>solicitor of the Court of Judicature of Northern Ireland] of at least 10 years' standing.
- (3) The appointment of a person to the panel shall be for such term as may be determined by the Lord Chancellor<sup>F3</sup>. . . .
- (4) A member of the panel shall vacate his office on the day on which he attains the age of [<sup>F6</sup>75].
- (5) There shall be paid to members of the panel such fees, allowances and expenses (if any) as the Secretary of State may determine.

### Textual Amendments

- F3** Words in s. 90(1)(3) omitted (1.7.1999) by virtue of [S.I. 1999/1750](#), arts. 1(1), 6(1), [Sch. 5 para. 16](#) (with art. 7)
- F4** S. 90(1A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 241](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 para. 11\(v\)](#)
- F5** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 5](#); [S.I. 2009/1604](#), art. 2(d)
- F6** Word in s. 90(4) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), [Sch. 1 para. 27\(2\)](#) (with [Sch. 1 para. 43](#))

### Modifications etc. (not altering text)

- C1** S. 90: Functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by [S.I. 1999/678](#), arts. 2, 3, [Sch.](#) (with art. 7)
- C2** S. 90(1)(3): Functions conferred on the Minister of the Crown shall be exercisable only after consultation with the Scottish Ministers (1.7.1999) by [S.I. 1999/1750](#), arts. 1(1), 4, [Sch. 3](#) (with art. 7)
- C3** S. 90(1)(3) modified (30.6.1999) by [S.I. 1999/1748](#), art. 3, [Sch. 1 para. 18](#)

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## Marginal Citations

M1 1990 c. 41.

## 91 Appointment of panel of ordinary members.

- (1) There shall be a panel of ordinary members of reserve forces appeal tribunals appointed by the Lord Chancellor <sup>F7</sup> . . . .
- (2) Before appointing a member of the panel, the Lord Chancellor shall consult such persons or bodies as he considers to be appropriate, including—
  - (a) a body appearing to him to represent the interests of employers, a body appearing to him to represent the interests of employees and a body appearing to him to represent the interests of the self-employed; and
  - (b) the associations established under Part XI or a body appearing to him to represent those associations.
- [<sup>F8</sup>(2A) The Lord Chancellor may not appoint a member of the panel unless the appropriate senior judge concurs.]
- (3) The appointment of a person to the panel shall be for such term as may be determined by the Lord Chancellor <sup>F7</sup> . . . .
- (4) A member of the panel shall vacate his office on the day on which he attains the age of [<sup>F9</sup>75].
- (5) There shall be paid to members of the panel such fees, allowances and expenses (if any) as the Secretary of State may determine.

## Textual Amendments

- F7** Words in s. 91(1)(3) omitted (1.7.1999) by virtue of S.I. 1999/1750, arts. 1(1), 6(1), **Sch. 5 para. 16**
- F8** S. 91(2A) inserted (3.4.2006) by **Constitutional Reform Act 2005 (c. 4)**, s. 148(1), **Sch. 4 para. 242**; S.I. 2006/1014, art. 2(a), **Sch. 1 para. 11(v)**
- F9** Word in s. 91(4) substituted (10.3.2022) by **Public Service Pensions and Judicial Offices Act 2022 (c. 7)**, s. 131(1)(4)(a), **Sch. 1 para. 27(3)** (with Sch. 1 para. 43)

## Modifications etc. (not altering text)

- C4** S. 91: Functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by S.I. 1999/678, arts. 2, 3, **Sch.** (with art. 7)
- C5** S. 91(1)(3) modified (30.6.1999) by S.I. 1999/1748, **art. 3, Sch. 1 para. 18**
- C6** S. 91(1)(3): Functions conferred on the Minister of the Crown shall be exercisable only after consultation with the Scottish Ministers (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7)

## 92 Membership of tribunals etc.

- (1) An appeal tribunal shall consist of a chairman and two other members selected [<sup>F10</sup>in accordance with subsection (2)] from the appropriate panel appointed under section 90 or 91.

[<sup>F11</sup>(2) The chairman and other members are to be selected as follows—

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- (a) in the case of an appeal tribunal which is to sit in England and Wales, by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor;
  - (b) in the case of an appeal tribunal which is to sit in Scotland, by the Lord President of the Court of Session;
  - (c) in the case of an appeal tribunal which is to sit in Northern Ireland, by the Lord Chief Justice of Northern Ireland after consulting the Lord Chancellor.
- (3) Where a tribunal which is hearing an appeal in respect of a determination of an application under regulations under section 78 or 79 requests it, a serving or retired officer of any regular service or reserve force may be appointed in accordance with subsection (4) to advise the tribunal on any relevant service matters.
- (4) The officer is to be appointed as follows—
- (a) in the case of an appeal tribunal which is sitting in England and Wales, by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor;
  - (b) in the case of an appeal tribunal which is sitting in Scotland, by the Lord President of the Court of Session;
  - (c) in the case of an appeal tribunal which is sitting in Northern Ireland, the Lord Chancellor with the concurrence of the Lord Chief Justice of Northern Ireland.]

#### Textual Amendments

- F10** Words in s. 92(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 243\(2\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(v\)](#)
- F11** S. 92(2)-(4) substituted for s. 92(2)(3) (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 243\(3\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(v\)](#)

#### [<sup>F12</sup>92A Sections 90 to 92: supplementary

- (1) In sections 90 and 91 “appropriate senior judge”, in relation to the appointment of a person to be a member of a panel, means—
- (a) if the person is to be appointed to exercise functions wholly or mainly in relation to England and Wales, the Lord Chief Justice of England and Wales;
  - (b) if the person is to be appointed to exercise functions wholly or mainly in relation to Scotland, the Lord President of the Court of Session;
  - (c) if the person is to be appointed to exercise functions wholly or mainly in relation to Northern Ireland, the Lord Chief Justice of Northern Ireland.
- (2) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise any of his functions under sections 90 to 92.
- (3) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise any of his functions under sections 90 to 92.
- (4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise any of his functions under sections 90 to 92—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

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(b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

#### Textual Amendments

**F12** S. 92A inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 244](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 para. 11\(v\)](#)

### 93 General power to make rules.

- (1) The Secretary of State may make rules with respect to the practice and procedure to be followed on appeals to appeal tribunals.
- (2) Rules under this section may, in particular, include provision—
  - (a) limiting the time within which appeals may be brought;
  - (b) specifying the parties to any proceedings;
  - (c) allowing the chairman of an appeal tribunal to determine preliminary and incidental matters;
  - (d) requiring persons to produce documents, to attend to give evidence, and to give evidence on oath;
  - (e) as to the payment of expenses and allowances to persons producing documents or attending to give evidence;
  - (f) enabling or requiring proceedings to be held in private;
  - (g) as to the person who may represent the parties; and
  - (h) as to the award and recovery of costs.
- (3) No person shall be required by any rules under this section to give any evidence or produce any document or other material at a hearing held by an appeal tribunal which he could not be compelled to give or produce in civil proceedings in any court in that part of the United Kingdom in which the hearing takes place.
- (4) Rules under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### 94 Offences in connection with appeals.

- (1) Any person who, in connection with an appeal to an appeal tribunal, knowingly or recklessly provides information which is false or misleading in a material particular is guilty of an offence.
- (2) Any person who without reasonable excuse—
  - (a) fails to provide information in connection with an appeal to an appeal tribunal which he is required to provide by rules under section 93; or
  - (b) fails to attend an appeal tribunal when required to do so by rules under that section,is guilty of an offence.
- (3) Any person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

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