



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) and 84(3) in respect of a determination of a claim under regulations under sections 83 and 84 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Status: This is the original version (as it was originally enacted).

90 Appointment of panel of chairmen

- (1) There shall be a panel of chairmen of reserve forces appeal tribunals appointed by the Lord Chancellor and the Lord Advocate.
- (2) No person may be appointed to the panel unless he is—
 - (a) a person who has a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990);
 - (b) an advocate or solicitor in Scotland of at least 10 years' standing; or
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court 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 and the Lord Advocate.
- (4) A member of the panel shall vacate his office on the day on which he attains the age of 70 years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).
- (5) There shall be paid to members of the panel such fees, allowances and expenses (if any) as the Secretary of State may determine.

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 and the Lord Advocate.
- (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.
- (3) The appointment of a person to the panel shall be for such term as may be determined by the Lord Chancellor and the Lord Advocate.
- (4) A member of the panel shall vacate his office on the day on which he attains the age of 70 years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).
- (5) There shall be paid to members of the panel such fees, allowances and expenses (if any) as the Secretary of State may determine.

92 Membership of tribunals etc

- (1) An appeal tribunal shall consist of a chairman and two other members selected by the Lord Chancellor from the appropriate panel appointed under section 90 or 91.
- (2) Where a tribunal is hearing an appeal in respect of a determination of an application under regulations under section 78 or 79, the Lord Chancellor shall, if requested to do

so by the tribunal, appoint a serving or retired officer of any regular service or reserve force to advise the tribunal on any relevant service matters.

- (3) In the case of an appeal tribunal which is to sit in Scotland or Northern Ireland, the members shall be selected and any officer appointed by the Lord President of the Court of Session or the Lord Chief Justice of Northern Ireland, as the case may be.

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).