

1979 No. 94 (S. 7)

PENSIONS

**The Pensions Appeal Tribunals (Scotland)
(Amendment) Rules 1979***Made* - - - - - 30th January 1979*Laid before Parliament* 9th February 1979*Coming into Operation* 2nd March 1979

The Lord President of the Court of Session in exercise of the powers conferred on him by paragraph 5 of the Schedule to, as read along with section 13 of, the Pensions Appeal Tribunals Act 1943(a), and after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(b), hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Pensions Appeal Tribunals (Scotland) (Amendment) Rules 1979 and shall come into operation on 2nd March 1979.

(2) In these Rules the expression “the Rules” means the Pensions Appeal Tribunals (Scotland) Rules 1971(c), as amended(d), and “Rule” shall be construed accordingly.

Amendments to the Rules

2. In Rule 9 (withdrawal of appeal), add the following new paragraph:—

“(3) In an assessment appeal the making of a new increased assessment for the period under appeal (whether covering additional disabilities or not) shall be deemed to be a decision by the Secretary of State in favour of the appellant and, on notice given in accordance with paragraph (2), the appeal shall be struck out, without prejudice to any appeal against that decision”.

3. In Rule 29 (expenses of experts)—

(a) in paragraph (1), for the figures “£17.40” and “£34.80” substitute the figures “£21.80” and “£43.50” respectively;

(b) in paragraph (2)(a), for the figure “£17.40” substitute the figure “£34.80”;

(c) in paragraph (2)(b), for the figure “£34.80” substitute the figure “£43.50”;

(d) in paragraph (3), for the figure “£1.25” substitute the figure “£1.50”.

(a) 1943 c. 39.

(b) 1971 c. 62.

(c) S.I. 1971/2124.

(d) S.I. 1972/1783, 1973/1714, 1974/1968, 1975/519, 1975/1764, 1975/2198, 1978/977.

4. In Schedule 2, Part 1 (subsistence allowance to appellants, etc.)—

- (a) in paragraph 1(a)(i), for the figure “£0.48” substitute the figure “£0.53”;
- (b) in paragraph 1(a)(ii), for the figure “£0.95” substitute the figure “£1.05”;
- (c) in paragraph 1(a)(iii), for the figure “£2.20” substitute the figure “£2.50”;
- (d) in paragraph 1(b), for the figure “£10.95” substitute the figure “£13.25”.

5. In Schedule 2, in Part II (expenses of medical evidence), in paragraph 1(a), for the figures “£17.40” and “£34.80” substitute the figures “£21.80” and “£43.50” respectively, and in paragraph 2, for the figure “£34.80” substitute the figure “£43.50”.

G. C. Emslie.

Edinburgh.
30th January 1979.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make further amendments to the Pensions Appeal Tribunals (Scotland) Rules 1971. The alterations are—

- (i) Rule 9 is revised so that an assessment appeal will be struck out automatically where an offer of an increased assessment is made. This does not affect a pensioner's rights, but will simplify administrative procedures;
- (ii) to increase the fees and expenses which the Tribunal may allow to medical specialists, practitioners and other technical experts and the expenses which may be allowed to appellants in respect of medical witnesses and reports; and
- (iii) to increase the rates of subsistence allowances payable to appellants and others.

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