
STATUTORY INSTRUMENTS

2001 No. 257 (L. 8)

PENSIONS, ENGLAND AND WALES

The Pensions Appeal Tribunals (England and Wales) (Amendment) Rules 2001

<i>Made</i>	- - - -	<i>31st January 2001</i>
<i>Laid before Parliament</i>		<i>2nd February 2001</i>
<i>Coming into force</i>	- -	<i>9th April 2001</i>

The Lord Chancellor, in exercise of the powers conferred upon him by paragraph 5 of the Schedule to 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 (England and Wales) (Amendment) Rules 2001 and shall come into force on 9th April 2001.

Interpretation

2. A reference in these Rules to any rule by number alone means the rule so numbered in the Pensions Appeal Tribunals (England and Wales) Rules 1980⁽³⁾.

Amendments to the Pensions Appeal Tribunals (England and Wales) Rules 1980

3. In rule 2—

- (a) in sub-paragraph (b), for “and an assessment appeal” there shall be substituted “, an assessment appeal and an appeal against a specified decision”;
- (b) in sub-paragraph (g), for “1959” there shall be substituted “1983”⁽⁴⁾;

(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. 35.
(3) S.I.1980/1120, as amended by S.I. 1986/366, 1988/1843 and 1998/1201.
(4) The reference is to the definition of “mental disorder” in section 1(2) of the Mental Health Act 1983 (c. 20).

- (c) at the end of sub-paragraph (i) there shall be inserted “for England and Wales under section 2B(5) of the Act; and 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”;
 - (d) after sub-paragraph (j) there shall be inserted:—
 - “(jj) “specified decision” has the meaning given in section 5A of the Act(6);”;
 - (e) after sub-paragraph (k) there shall be inserted:—
 - “(l) “the Deputy President” means the person appointed by the Lord Chancellor to be Deputy President of Pensions Appeal Tribunals for England and Wales under section 2B of the Act.”.
4. In rule 3(1):—
- (a) the word “and” shall be omitted at the end of paragraph (a);
 - (b) after paragraph (b) there shall be inserted the following:—
 - “; and
 - (c) an appeal against a specified decision shall be brought by the person in respect of whose claim the Minister has made the decision.”.
5. At the end of rule 10 there shall be inserted “or direct that the appeal be struck out”.
6. In rule 11(1) the words in brackets shall be omitted.
7. In rule 18, the word “shortly” shall be omitted.
8. In rule 20(2)(b), after “hearing” there shall be inserted “, giving written reasons for the adjournment”.
9. In rule 33, the words “by the tribunal or” and “(if any)” shall be omitted.
10. In rule 38, after “be discharged by” there shall be inserted “the Deputy President or, if there is no Deputy President or the Deputy President is for any reason unable to act, by”.

Signed by authority of the Lord Chancellor

31st January 2001

Jane Kennedy
Parliamentary Secretary
Lord Chancellor’s Department

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

(6) 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.

EXPLANATORY NOTE

(This Note is not part of the Rules)

These Rules amend the Pensions Appeal Tribunals (England and Wales) Rules 1980 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 (d) and 4);
- (b) the position and powers of the Deputy President of Pensions Appeal Tribunals for England and Wales (rules 3(c) and (e) and 10);
- (c) power to strike out an appeal for want of prosecution (rule 5);
- (d) the omission of some unnecessary words in defining what persons may represent an appellant (rule 6);
- (e) the statement of reasons for a decision of a Tribunal, including a decision to adjourn an appeal (rules 7 and 8);
- (f) the power to extend time limits to be confined to the President (rule 9).