
STATUTORY INSTRUMENTS

2005 No. 245

PENSIONS

The Pensions Appeal Tribunals (Posthumous Appeals) (Amendment) Order 2005

Made - - - - - *9th February 2005*
Laid before Parliament *21st February 2005*
Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the 9th day of February 2005

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 16(1) and (2) of the Social Security Act 1980(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Pensions Appeal Tribunals (Posthumous Appeals) (Amendment) Order 2005 and shall come into force on the day on which paragraphs 3 to 6 of Schedule 1 to the Armed Forces (Pension and Compensation) Act 2004(2) come into force for all purposes.

(2) Reference in this Order to an article by number alone means an article so numbered in the Pensions Appeal Tribunals (Posthumous Appeals) Order 1980(3).

Amendment to the Pensions Appeal Tribunals (Posthumous Appeals) Order 1980

2. In article 1(2), after the definition of “the Civilians Scheme” insert—

““Commissioner” means the Chief Social Security Commissioner or any other Social Security Commissioner appointed under—

(a) the Social Security Act 1998(4); or

(1) 1980 c. 30.
(2) 2004 c. 32.
(3) 1980/1082; amended by S.I. 2001/408.
(4) 1998 c. 14.

- (b) the Social Security Administration (Northern Ireland) Act 1992⁽⁵⁾, and includes a tribunal of Commissioners constituted under section 6D(5) of the Act;.”
- 3. In article 2, for “and the appellant” substitute “, the appellant and a party”.
- 4. In article 3(1), after “entitlement questions” insert “and specified decisions”.
- 5. In the heading to article 4, for “in the High Court” substitute “to a Commissioner”.
- 6. In article 4—
 - (a) in paragraph (1), for “to the High Court under section 6(2)” substitute “to a Commissioner under section 6A”;
 - (b) in paragraph (2), for “to the High Court under the said section 6(2)” substitute “to a Commissioner under section 6A”.
- 7. In article 5, for “6” substitute “6A”.
- 8. After article 5 insert—

“Posthumous appeals from a Commissioner

- 5A. Where a designated person has brought or continued an appeal under section 6A of the Act, he may appeal from a decision of a Commissioner under section 6C of the Act.”
- 9. In article 6—
 - (a) for the words from “the judge of the High Court” to “section 6(2) of the Act” substitute “a Commissioner”;
 - (b) for “or the judge” substitute “or a Commissioner”.
- 10. Omit article 7.
- 11. After article 9(1)⁽⁶⁾ insert—
 - “(3) The provisions of this Order apply without prejudice to the requirements of leave to appeal and to any time limits which are prescribed by the Act or by rules or regulations made under or by virtue of the Act.”.
- 12. Omit article 10(a) and (b).
- 13. In article 11—
 - (a) omit paragraphs (a) and (b);
 - (b) in paragraph (d), for “Chairman” substitute “President”.

A. K. Galloway
Clerk of the Privy Council

⁽⁵⁾ 1992 c. 8.

⁽⁶⁾ Article 9(2) was revoked by S.I. 2001/408.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Pensions Appeal Tribunals (Posthumous Appeals) Order 1980 (S.I.1980/1082) to reflect changes made to the route of onward appeal from the Pensions Appeal Tribunal.

The Armed Forces (Pension and Compensation) Act 2004 (c. 32) amends the Pension Appeal Tribunals Act 1943 (c. 39) to provide that appeals from the Pension Appeal Tribunals will lie to the Social Security Commissioners appointed under Schedule 4 to the Social Security Act 1998 (c. 14) or under section 50 of the Social Security Administration (Northern Ireland) Act 1992 (c. 8).