



Child Support, Pensions and Social Security Act 2000

2000 CHAPTER 19

PART II

PENSIONS

CHAPTER III

WAR PENSIONS

60 Constitution and procedure of Pensions Appeal Tribunals.

(1) In sub-paragraph (2) of paragraph 2 of the Schedule to the ^{M1}Pensions Appeal Tribunals Act 1943 (remuneration for members of Pensions Appeal Tribunals), after “remuneration” there shall be inserted “and allowances”.

(2) After that sub-paragraph there shall be inserted—

“(2A) Subject to sub-paragraphs (3) and (4) below, a member of such a Tribunal shall hold and vacate his office in accordance with the terms of his appointment, but shall be eligible for reappointment.”

(3) After paragraph 2 of that Schedule, there shall be inserted—

“2A (1) The Lord Chancellor shall ensure that the appointments made by him under paragraph 2 above have the effect, in the case of each of the Tribunals, that the persons holding office as members of that Tribunal at all times include—

- (a) persons who are legally qualified;
- (b) persons who are medically qualified;

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- (c) persons with knowledge or experience of service in Her Majesty's naval, military or air forces; and
 - (d) other persons.
- (2) For the purposes of this Schedule a person is legally qualified if—
- (a) he has a seven year general qualification within the meaning of section 71 of the ^{M2}Courts and Legal Services Act 1990;
 - (b) he is an advocate or solicitor in Scotland of at least seven years' standing; or
 - (c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least seven years' standing.
- (3) For the purposes of this Schedule a person is medically qualified if he is a duly qualified medical practitioner of at least seven years' standing.
- (4) In making any appointment under paragraph 2 it shall be the duty of the Lord Chancellor to have regard to the desirability of having as members of the Tribunals persons with knowledge or experience of matters relating to the disability of persons.
- 2B (1) A President of Pensions Appeal Tribunals and a Deputy President of Pensions Appeal Tribunals may be appointed for each part of the United Kingdom
- (2) The person entitled to appoint a person under this paragraph to be a President or Deputy President of Pensions Appeal Tribunals shall be—
- (a) in the case of an appointment for England and Wales, the Lord Chancellor;
 - (b) in the case of an appointment for Scotland, the Lord President of the Court of Session; and
 - (c) in the case of an appointment for Northern Ireland, the Lord Chief Justice of Northern Ireland.
- (3) Only legally qualified members of a Pensions Appeal Tribunal shall be eligible for appointment under this paragraph.
- (4) A person shall cease to be President or Deputy President of Pensions Appeal Tribunals if he ceases to be a member of any such Tribunal.
- (5) The Deputy President of Pensions Appeal Tribunals for any part of the United Kingdom shall carry out such of the functions of the President for that part of the United Kingdom as that President assigns to him.
- (6) If at any time the President of Pensions Appeal Tribunals for any part of the United Kingdom is temporarily unable to carry out his functions under this Schedule, those functions shall be carried out by the Deputy President for that part of the United Kingdom.”
- (4) For paragraph 3 of that Schedule (constitution of Tribunal for particular hearings) there shall be substituted—

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“3 The members of the Tribunal hearing a particular appeal shall in every case include a legally qualified member; and only a legally qualified member may preside as chairman for the hearing of any appeal.

3A (1) The President of Pensions Appeal Tribunals for any part of the United Kingdom may give directions as to—

- (a) the number of members of the Tribunal who should hear an appeal in that part of the United Kingdom;
- (b) the extent to which the members hearing such an appeal must include—
 - (i) medically qualified persons; and
 - (ii) persons who are neither legally qualified nor medically qualified;
- (c) the extent to which in the case of such an appeal the members hearing it must include persons satisfying other requirements specified by the President;
- (d) the manner of determining the members who are to serve as the chairman and members of the Tribunal for the hearing of such an appeal.

3B The President of Pensions Appeal Tribunals for any part of the United Kingdom may give directions as to the practice and procedure to be followed by such Tribunals in that part of the United Kingdom.

3C (1) The power to give directions under paragraphs 3A and 3B shall be exercisable in relation to a particular appeal, to a category of appeal or to appeals generally.

(2) If at any time there is, in the case of any part of the United Kingdom, neither a President of Pensions Appeal Tribunals nor a Deputy President, the power of the President to give directions under paragraphs 3A and 3B above shall be exercisable—

- (a) in the case of England and Wales, by the Lord Chancellor;
- (b) in the case of Scotland, by the Lord President of the Court of Session; and
- (c) in the case of Northern Ireland, by the Lord Chief Justice of Northern Ireland.

(3) The power to give directions under paragraphs 3A and 3B above includes power to vary or revoke directions previously given.”

(5) In Schedule 11 to the ^{M3}Courts and Legal Services Act 1990 (judges barred from legal practice), at the end there shall be inserted “Member of a Pensions Appeal Tribunal”.

Marginal Citations

M1 1943 c. 39.

M2 1990 c. 41.

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M3 1990 c. 41.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 70A inserted by [2012 c. 5 Sch. 3 para. 13](#)
- Sch. 7 para. 1(2)(c) inserted by [2007 c. 5 Sch. 5 para. 13](#)
- Sch. 7 para. 6(5A)(5B) inserted by [2012 c. 5 Sch. 11 para. 13\(3\)](#)
- Sch. 7 para. 6(8)(b) inserted by [2012 c. 5 Sch. 11 para. 13\(4\)\(b\)](#)
- Sch. 7 para. 6(8)(a) words in Sch. 7 para. 6(8) renumbered as Sch. 7 para. 6(8)(a) by [2012 c. 5 Sch. 11 para. 13\(4\)\(a\)](#)

Commencement Orders yet to be applied to the Child Support, Pensions and Social Security Act 2000

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/346 art. 2](#) amendment to earlier commencing [SI 2003/192 art. 6](#)